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EXAMINER

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ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

412

Office Action Summary

Application No.

10/089,096

Applicant(s)

IHARA ET AL.

Examiner

Steven B. Theriault

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02/23/2002
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the following communications: The original application filed on 04/12/2002 and an information disclosure statement filed 07/12/2002.
2. Claims 1-30 are pending in the case. Claims 1, 9, 10, 17, and 24 are the independent claims. Applicant's attention is directed to the fact that a new examiner has been assigned to this case. The Examiner's name and telephone number are provided below.

Information Disclosure Statement

3. The information disclosure statement filed 07/12/2002 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 101

4. **35 U.S.C. 101 reads as follows:**

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 24-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claims raise a question as to whether the claims are directed merely to an abstract idea that is not tied to a technological art, environment

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or machine which would result in a practical application producing a concrete, useful and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

With regard to **claims 24-30**, the program storage medium thus defined in the specification includes intangible media such as a "**modulated data signal, such as a carrier wave or other transport mechanism**" (paragraph 170, lines 1-5) that renders the claims non-statutory subject matter.

To expedite a complete examination of the instant application the claims rejected under 35 U.S.C 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1, 3-9, 12-17, 19-24 and 26-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Ishii et al (hereinafter Ishii) U.S. Patent No. 6,546,188 B1 issued Apr. 8, 2003 and filed Jan. 13, 1999.**

In regard to **Independent claim 1**, Ishii teaches an effect applying device comprising:

- *Display means for displaying various items of information;* (Ishii figure 5) Ishii shows the display for displaying audio and video information.
- *Effect specifying information arranging means for displaying effect specifying information which specifies effects for images, in a preset arrangement on said display means: selecting*

means for selecting desired effect specifying information out of said effect specifying information displayed on said display means by said effect specifying information arranging means; (Ishii figure 5) Ishii teaches the effects that can be selected and applied to images

- *And effect applying means for applying effects specified by said desired effect specifying information selected by said selecting means, to input images. (Ishii figure 33) Ishii shows the application of image effects.*

With respect to **dependent claim 3**, *Ishii teaches the effect applying device where the said effect specifying information arranging means displays the arrangement of said effect specifying information in plural lines. (Ishii figure 5) Ishii shows the effects displayed in rows on top of one another.*

With respect to **dependent claim 4**, *Ishii teaches the effect applying device according to claim 3, wherein the arrangement of said effect specifying information includes a first arrangement for specifying short-term effects which can be applied for specified time, and a second arrangement for specifying continuous effects which can be continuously applied. (Ishii column 22, lines 15-67) Ishii teaches a time line mode in which the user of the program can see the length of an event in the program and can indicate the length of the event.*

With respect to **dependent claim 5**, *Ishii teaches the effect applying device according to claim 3, wherein said selecting means comprises: first selecting means for selecting one item of effect specifying information out of each of the first arrangement and the second arrangement en bloc; and second selecting means for selecting one item of effect specifying information out of said effect specifying information selected by said first selecting means en bloc. (Ishii figure 33 and column 59, lines 1-67) Ishii teaches the ability for a user to select from column 1, row 1 and then selecting column 1 row 2. The arrangement of the effects is specified by the application.*

With respect to **dependent claim 6**, Ishii teaches *the effect applying device according to claim 5, wherein: said first selecting means selects, en bloc, said effect specifying information which are arranged side by side in a row in the first arrangement and the second arrangement; and said second selecting means selects said effect specifying information in one line out of said effect specifying information selected en bloc, from either the first arrangement or the second arrangement.* (Ishii figure 5 and 33) Ishii shows the effect information displayed in two rows, with adjacent effects as a unit in the display. Ishii also shows two rows of pattern effects and the user can select from either row to apply the effect.

With respect to **dependent claim 7**, Ishii teaches *the effect applying device according to claim 1, wherein said effect applying device comprises arrangement setting means for selecting one or more effects out of preset plural effects based on operator's operations and for setting the arrangement of the effect specifying information specifying said selected effects* (Ishii figure 33 and column 7, lines 1-20 and figure 1). Ishii shows the applying of more than one effect to the video programs and the device.

With respect to **dependent claim 8**, Ishii teaches *the effect applying device where said effect applying device comprises effect specifying informing means for displaying a kind informing screen for showing kinds of two items of effect specifying information which are arranged in different rows, on said display means, when the effect specifying information in one line is selected by said second selecting means out of the effect specifying information which are arranged side by side in one row and are selected by said first selecting means en bloc, and the effect specifying information in a line different from the one line is selected by said second selecting means out of effect specifying information in a row different from the one row selected next by said first selecting means en bloc, in order to make the operator recognize*

the kinds of two items of effect specifying information of which the effects are applied by said effect applying means. (Ishii figure 33 and column 59, lines 1-67) Ishii teaches the ability for a user to select from column 1, row 1 and then selecting column 1 row 2. The arrangement of the effects is specified by the application. Ishii also shows the names of the image effects display in the top title bar of the video frames. The user applies the effects and can directly see the effects on the image and when corresponding image effects are applied. The user can readily see the differences in the pictures with effects applied. Ishii also shows the image effect buttons in rows adjacent to one another in the display (Ishii figure 33 and column 59, lines 1-30).

In regard to **Independent claim 9**, Ishii teaches an effect applying method comprising:

- *An arrangement display step of displaying effect specifying information for specifying effects for images in a preset arrangement;* (Ishii figure 5) Ishii shows the display for displaying audio and video information in a specific arrangement
- *A selecting step of selecting desired effect specifying information out of said displayed effect specifying information;* (Ishii figure 33) Ishii shows the selection of the wipe function from the overall group of effects. (
- *An effect applying step of applying effects specified by said selected effect specifying information, to input images.* (Ishii Figure 33 and column 59, lines 1-30) Ishii teaches the application of the wipe effect to an image.

With respect to **dependent claim 12**, Ishii teaches *the effect applying method where: said arrangement display step is to display the arrangement of said effect specifying information in plural lines; and the arrangement of said effect specifying information includes a first arrangement for specifying short-term effects which can be applied for specified time, and a second*

arrangement for specifying continuous effects which can be continuously applied. (Ishii column 22, lines 15-67) Ishii teaches a time line mode in which the user of the program can see the length of an event in the program and can indicate the length of the event. Ishii also shows the effects displayed in rows on top of one another (Ishii figure 5).

With respect to **dependent claim 13**, Ishii teaches *the effect applying method according to claim 12, wherein said selecting step comprises: a first selecting step of selecting one item of effect specifying information from each of the first arrangement and the second arrangement en bloc; and a second selecting step of selecting one item of effect specifying information out of said effect specifying information selected at said first selecting step en bloc.* (Ishii figure 5 and 33) Ishii shows the effect information displayed in two rows, with adjacent effects as a unit in the display. Ishii also shows two rows of pattern effects and the user can select from either row to apply the effect.

With respect to **dependent claim 14**, Ishii teaches *the effect applying method according to claim 13, wherein: said first selecting step is to select said effect specifying information which are arranged side by side in one row in the first arrangement and the second arrangement en bloc; and said second selecting step is to select said effect specifying information in one line out of said effect specifying information selected en bloc, from either the first arrangement or the second arrangement.* (Ishii figure 5 and 33) Ishii shows the effect information displayed in two rows, with adjacent effects as a unit in the display. Ishii also shows two rows of pattern effects and the user can select from either row to apply the effect.

With respect to **dependent claim 15**, Ishii teaches *the effect applying method according to claim 9, comprising an arrangement setting step of selecting one or more effects out of preset effects for images based on operator's operations and of setting the arrangement of the effect specifying*

information specifying said selected effects. (Ishii figure 33) Ishii shows the applying of more than one effect to the video programs.

With respect to **dependent claim 16**, Ishii teaches the *effect applying method where said effect applying method comprises an effect specifying information informing step of displaying a kind informing screen for showing the kinds of two items of effect specifying information which are arranged in different rows, on the display means, when the effect specifying information in one line is selected at said second selecting step out of the effect specifying information which are arranged side by side in one row and are selected at said first selecting step en bloc, and the effect specifying information in a different line from the one line is selected at said second selecting step out of effect specifying information which are arranged in another row and are selected next at said first selecting step en bloc, in order to make the operator recognize the kinds of two items of effect specifying information of which the effects are applied by said effect applying means.* (Ishii figure 33 and column 59, lines 1-30) Ishii shows the names of the image effects display in the top title bar of the video frames. The user applies the effects and can directly see the effects on the image and when corresponding image effects are applied. The user can readily see the differences in the pictures with effects applied. Ishii also shows the image effect buttons in rows adjacent to one another in the display.

In regard to **Independent claim 17**, Ishii teaches the effect applying program to be executed by a computer, comprising:

- An arrangement display step of displaying effect specifying information for specifying effects for images in a preset arrangement; a selecting step of selecting desired effect specifying information out of the displayed effect specifying information; (Ishii figure 5 and column 7, lines 1-30) Ishii teaches the application programs for

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displaying effect information and the effect information is presented in a preset arrangement.

- *An effect applying step of applying effects specified by the selected effect specifying information, to input images (Ishii figure 33 and column 59, lines 1-30). Ishii teaches the application of the effects*

With respect to **dependent claim 19**, Ishii teaches the *effect applying program where said arrangement display step is to display the arrangement of said effect specifying information in plural lines; and the arrangement of said effect specifying information includes a first arrangement for specifying short-term effects which can be applied for specified time and a second arrangement for specifying continuous effects which can be continuously applied.* (Ishii column 22, lines 15-67) Ishii teaches a time line mode in which the user of the program can see the length of an event in the program and can indicate the length of the event. Ishii also shows the effects displayed in rows on top of one another (Ishii figure 5).

With respect to **dependent claim 20**, Ishii teaches the *effect applying program where said selecting step comprises: a first selecting step of selecting one item of effect specifying information out of each of the first arrangement and the second arrangement en bloc; and a second selecting step of selecting one item of effect specifying information out of the effect specifying information selected at said first selecting step en bloc.* (Ishii figure 5 and 33) Ishii shows the effect information displayed in two rows, with adjacent effects as a unit in the display. Ishii also shows two rows of pattern effects and the user can select from either row to apply the effect.

With respect to **dependent claim 21**, Ishii teaches the *effect applying program where said first selecting step is to select the effect specifying information which are arranged side by side in one row in the first arrangement and the second arrangement, en bloc; and said second selecting step is to select the effect specifying information in one line out of said effect specifying information selected en bloc, from either the first arrangement or the second arrangement.* (Ishii figure 5 and 33) Ishii shows the effect information displayed in two rows, with adjacent effects as a unit in the display. Ishii also shows two rows of pattern effects and the user can select from either row to apply the effect.

With respect to **dependent claim 22**, Ishii teaches the *effect applying program according to claim 17, comprising an arrangement setting step of selecting one or more effects out of preset effects for images based on operator's operations, and of setting the arrangement of effect specifying information specifying said selected effects.* (Ishii figure 33) Ishii shows the applying of more than one effect to the video programs.

With respect to **dependent claim 23**, Ishii teaches the *effect applying program comprising an effect specifying information informing step of displaying a kind informing screen for showing the kinds of two items of effect specifying information in different rows, on the display means, when the effect specifying information in one line is selected at said second selecting step out of the effect specifying information which are arranged side by side in one row and are selected at said first selecting step en bloc and effect specifying information in a different line from the one line is selected at said second selecting step out of effect specifying information in a different row from the one row which are selected next at said second selecting step en bloc, in order to make the operator recognize the kinds of two items of effect specifying information of which the effects are applied by said effect applying means.* (Ishii figure 33 and column 59, lines 1-30) Ishii shows the

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names of the image effects display in the top title bar of the video frames. The user applies the effects and can directly see the effects on the image and when corresponding image effects are applied. The user can readily see the differences in the pictures with effects applied. Ishii also shows the image effect buttons in rows adjacent to one another in the display.

In regard to **Independent claim 24**, Ishii teaches an effect applying program storage medium for storing an effect applying program comprising:

- An arrangement display step of displaying effect specifying information for specifying effects for images in a preset arrangement; (Ishii figure 5) Ishii teaches the effects that can be selected and applied to images and are displaying in a preset arrangement. Ishii also teaches the use of a terminal and hard disk for storing and executing the application.
- A selecting step of selecting desired effect specifying information out of said displayed effect specifying information; and an effect applying step of applying effects specified by said selected effect specifying information, to input images. (Ishii figure 5 and 33 and column 59, lines 1-30) Ishii teaches the applying of the special effect and selecting the effect from the list of effects.

With respect to **dependent claim 26**, Ishii teaches the *effect applying program storage medium according to claim 24, wherein said arrangement display step is to display the arrangement of said effect specifying information in plural lines; and the arrangement of said effect specifying information includes a first arrangement for specifying short-term effects which can be applied for specified time and a second arrangement for specifying continuous effects which can be continuously applied.* (Ishii column 22, lines 15-67) Ishii teaches a time line mode in which the user of the program can see the length of an event in the program and can indicate the length of

the event. Ishii also shows the effects displayed in rows on top of one another (Ishii figure 5).

With respect to **dependent claim 27**, Ishii teaches the *effect applying program storage medium according to claim 26, wherein said selecting step comprises: a first selecting step of selecting one item of effect specifying information out of each of the first arrangement and the second arrangement en bloc; and a second selecting step of selecting one item of effect specifying information out of said effect specifying information selected at said first selecting step en bloc.* (Ishii figure 5 and 33) Ishii shows the effect information displayed in two rows, with adjacent effects as a unit in the display. Ishii also shows two rows of pattern effects and the user can select from either row to apply the effect

With respect to **dependent claim 28**, Ishii teaches the *effect applying program storage medium according to claim 27, wherein said first selecting step is to select said effect specifying information which are arranged side by side in one row in the first arrangement and the second arrangement, en bloc; and said second selecting step is to select said effect specifying information in one line out of said effect specifying information selected en bloc, from either the first arrangement or the second arrangement.* (Ishii figure 5 and 33) Ishii shows the effect information displayed in two rows, with adjacent effects as a unit in the display. Ishii also shows two rows of pattern effects and the user can select from either row to apply the effect.

With respect to **dependent claim 29**, Ishii teaches the *effect applying program storage medium according to claim 24, comprising an arrangement setting step of selecting one or more effects out of preset effects for images based on operator's operations, and of setting the arrangement of effect specifying information specifying said selected effects.* (Ishii figure 33) Ishii shows the

applying of more than one effect to the video programs.

With respect to **dependent claim 30**, Ishii teaches *the effect applying program storage medium, wherein said effect applying program storage medium comprises: an effect specifying information informing step of displaying a kind informing screen for showing the kinds of two items of effect specifying information in different rows, on the display means, when the effect specifying information in one line is selected at said second selecting step out of the effect specifying information which are arranged side by side in one row and are selected at said first selecting step en bloc and the effect specifying information in a different line from the one line is selected at said second selecting step out of effect specifying information in a different row from the one row which are selected next at said second selecting step en bloc, in order to make the operator recognize the kinds of two items of effect specifying information of which the effects are applied by said effect applying means.* (Ishii figure 33 and column 59, lines 1-30) Ishii shows the names of the image effects display in the top title bar of the video frames. The user applies the effects and can directly see the effects on the image and when corresponding image effects are applied. The user can readily see the differences in the pictures with effects applied. Ishii also shows the image effect buttons in rows adjacent to one another in the display.

7. **Claim 10 is rejected under 35 U.S.C. 102(e) as being anticipated by Newman et al (hereinafter Newman) U.S. Patent No. 6,154,600, issued Nov. 28, 2000 and filed Aug 5, 1997.**

In regard to **Independent claim 10**, Newman teaches an effect applying method wherein: a terminal comprises:

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- An arrangement display step of displaying effect specifying information for specifying effects for images in a preset arrangement; (Newman figure 11) Newman teaches an arrangement for displaying images.
- *A selecting step of selecting desired effect specifying information out of said displayed effect specifying information; and a transmission step of transmitting input images to a predetermined server via a network and informing said server of said selected effect specifying information;* (Newman Figure 11 and column 6, lines 1-10) Newman teaches the servers that interact with the application for storing and transmitting images.
- *Said server comprises an effect applying step of applying effects specified by said selected effect specifying information to said input images.* (Newman column 6, lines 1-10) Newman teaches a networked device with a server for using the editing system.

References to specific columns, figures or lines should not be limiting in any way. The entire reference provides disclosure related to the claimed invention.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2, 11, 18, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii et al (hereinafter Ishii) U.S. Patent No. 6,546,188 B1 issued Apr. 8, 2003 and filed Jan. 13, 1999, and in view of Nadas (hereinafter Nadas) U.S. Patent No. 6,621,504 B1 to Nadas et al issued September 16, 2003, and filed Aug. 6, 1999.

With respect to **dependent claims 2, 11, 18, and 25**, as indicated in the above discussion, Ishii teaches every element of claims 1, 9, 17 and 24.

Ishii expressly discloses a method, device, a program and storage medium for displaying an operator's selection of special effects to the images on the screen (Ishii figure 5, and 33 and column 7, lines 1-30) and Ishii teaches the 10 images are displayed on the screen at one time. In order to display more images the user has to select the forward and back buttons (Ishii column 20, lines 1-30).

Ishii fails to expressly disclose/teach scroll-displays [*the arrangement of effect specifying information*]

Newman teaches a media editor for an editing system for home audio and video applications, in which the interface contains a scroll feature for scrolling through the effects specifying information in a storyboard (Newman column 15, lines 1-30 and figure 10). The user can see all of the effects for the entire storyboard. Newman and Ishii are analogous art because they are from the same field of endeavor of editing images within a graphical interface.

Accordingly, It would have been obvious to one of ordinary skill in the art, having the teachings of Ishii and Newman before him at the time of the invention was made, to modify the system of Ishii to incorporate the scroll areas as taught by Newman, in order to obtain a system that is scroll through the selected effects and display the information to the user. One would have been motivated to make such a combination because the editing system is provides for a wide variety of displays, televisions, and cameras as taught by Newman.

References to specific columns, figures or lines should not be limiting in any way. The entire reference provides disclosure related to the claimed invention.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


U.S. Patent No. 6,621,504 B1 to Nadas et al issued September 16, 2003, and filed Aug. 6, 1999, and discloses an editor for effect tree parameters.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Theriault whose telephone number is (571) 272-5867. The examiner can normally be reached on M-F 7:00 - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SBT


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